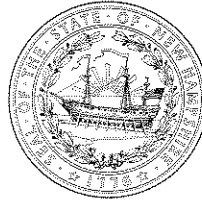


**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE  
ATTORNEY GENERAL



MICHAEL A. DELANEY  
DEPUTY ATTORNEY GENERAL

September 12, 2005

Section 5 Submission

Chief, Voting Section  
Civil Rights Division  
Room 7254 – NWB  
Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20006

Re: Submission Under Section 5 of the Voting Rights Act for:

New Hampshire Revised Statute Annotated ("RSA") 654:28, a STATUTE related to the session for correction procedure, most recently amended by Laws of 2003 Chapter 27 and previously amended by the chapters cited below.

Dear Voting Section Chief:

Pursuant to 42 U.S.C. § 1973 (c), the State of New Hampshire, through the Office of the New Hampshire Attorney General, hereby submits RSA 654:28, a STATUTE related to the session for correction procedure, most recently amended by Laws of 2003 Chapter 27 and previously amended by the chapters cited below.

SUBMISSION:

In accordance with 28 C.F.R. § 51.27, the submission is as follows:

- a) Chapter 27 (2003) amending RSA 654:28 is attached (Exhibit 654:28 A).
- 1. Chapter 272 (2001) amending RSA 654:28 is attached (Exhibit 654:28 B)
- 2. Chapter 36 (1996) amending RSA 654:28 is attached (Exhibit 654:28 C)

3. Chapter 199 (1990) amending RSA 654:28 is attached (Exhibit 654:28 D)
  4. Chapter 426 (1983) amending RSA 654:28 is attached (Exhibit 654:28 E)
  5. Chapter 273 (1983) amending RSA 654:28 is attached (Exhibit 654:28 F)
- b) The starting point for analysis, previously precleared, Chapter 436 (1979) recodifying RSA 55:08 and RSA 55:09 as RSA 654:28 is attached (Exhibit 654:28 G).
- c) The changes made by amendments to RSA 654:28 are as follows:
1. Chapter 27 (2003) replaces the time “12: *pm*” with the time “11:30 *am*” and the time “8:00” with “7:30 *pm*”
  2. Chapter 272 (2001) changes “9:00” to “8:00” and inserts the phrase “...and at the discretion of the supervisors for extended hours...” following such time change
  3. Chapter 36 (1996) makes the following changes:
    - a. Replacing “Any” with “The” at the start of the third sentence
    - b. Insert the word “Saturday” in the fourth sentence
    - c. Remove the phrase “...which is held on the Saturday 10 days prior to election day...” from the fourth sentence
    - d. Replace the word “sessions” with the word “session” in the fifth sentence
  4. Chapter 119 (1990) inserts the phrase “...or RSA 654:27, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 pm and 9:00 pm...” at the end of the fourth sentence
  5. Chapter 426 (1983) replaces the word “Wednesday” with the word “Friday” in the fourth sentence
  6. Chapter 273 (1983) Inserts the following as the third sentence: “Any session which is held on Saturday 10 days prior to election day shall be held as a minimum requirement between

*11:00 am and 12:00 pm and at the discretion of the supervisor for additional hours."*

- d) This submission is made by: Senior Assistant Attorney General Orville B. Fitch II, 33 Capitol Street, Concord, New Hampshire 03301, Phone: (603) 271-1238.
- e) The submitting authority is New Hampshire Attorney General, Kelly A. Ayotte for the State of New Hampshire.
- f) Not applicable.
- g) The changes for which pre-clearance is sought were made by a decision of the New Hampshire General Court (Legislature).
- h) In accordance with Amendment X of the U.S. Constitution, the New Hampshire General Court, the State's legislature, acting pursuant to the New Hampshire Constitution Part Second, Article 2, granting supreme legislative power within the state to the House and Senate, who with right to negate each other are granted power to make law through Part Second, Article 5. Additional authority regarding election law is vested in Part First, Article 11.

The legislature through a bicameral process passed law to create Chapter 27 (Exhibit 654:28 A). The bill was signed into law (by the Governor) on May 2, 2003, pursuant to New Hampshire Constitution Part Second, Article 44.

- i) Adoption dates:
  - 1. Chapter 27 (2003) adopted May 2, 2003
  - 2. Chapter 272 (2001) adopted July 16, 2001
  - 3. Chapter 36 (1996) adopted April 24, 1996
  - 4. Chapter 119 (1990) adopted April 19, 1990
  - 5. Chapter 426 (1983) adopted June 24, 1983
  - 6. Chapter 273 (1983) adopted June 18, 1983
- j) Effective dates:
  - 1. Chapter 27 (2003) effective July 1, 2003

2. Chapter 272 (2001) effective September 14, 2001
  3. Chapter 36 (1996) effective June 23, 1996
  4. Chapter 119 (1990) effective June 18, 1990
  5. Chapter 426 (183) effective August 23, 1983
  6. Chapter 273 (1983) effective August 17, 1983
- k) The changes have been enforced.
- l) The changes affect the entire State of New Hampshire.
- m) The purpose for the changes are as follows:
1. The purpose of the Chapter 27 (2003) change is to reduce the amount of time mandated for the Saturday Session for Correction from 1 hour to ½ hour by changing the time the meeting must be held open until from 12:00 pm to 11:30 am and reduce the amount of time mandated for the Session for Correction held on Tuesday if the Saturday is a holiday from 1 hour to ½ hour by changing the time the meeting must be held open until from 8:00 pm to 7:30 pm. This change and the change made in 2001, see #2 below, resulted from the use of election day registration and permitting people to register at the town clerk's office. Because people could do either, it became increasingly rare for someone to actually appear at a session of the Supervisor's of the Checklist. The mandatory length of the sessions was reduced to avoid having the supervisors spend hours waiting when consistently no one came to register.
  2. The purpose of the Chapter 272 (2001) change is to reduces the amount of time mandated for the Session for Correction from 2 hours to 1 hour by changing the time the meeting must be held open until from 9:00 pm to 8:00 pm and allow supervisors the discretion to hold a longer session for correction if needed
  3. The purpose of the Chapter 36 (1996) change is to clarify the Saturday Session for Correction by minor grammatical changes and removal of repetitive language
  4. The purpose of the Chapter 119 (1990) change is to provide for the situation where a session for corrections is scheduled to occur on a holiday by allowing that if such events occur, the

meeting may be moved as stated in the statute and to specify the timeframe for session for correction precisely

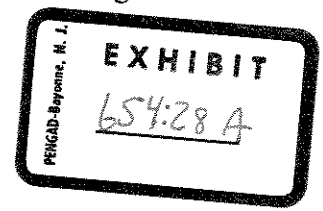
5. The purpose of the Chapter 426 (1983) change is to change the day when the amended checklist must be posted from Wednesday prior to an election to Friday prior to an election
  6. The purpose of the Chapter 273 (1983) change is to set the time and length specifically for the Saturday Session for Corrections which supervisors hold prior to an election
- n) These changes do not negatively target any protected class under section 5 of the Voting Rights Act of 1965. *42 U.S.C. 1973c*. They are expected to have neutral impact and do not meet the test of retrogression defined in *Reno v. Bossier Parish Sch. Bd.*, 520 U.S. 471, 478 (1997). “(T)he ability of minority groups...to elect their choices to office” will not be diminished. *Beer v. U.S.*, 425 U.S. 130,141 (1976).
- o) None known.
- p) RSA 654:28 was precleared through 1979 on June 22, 2004 by D.O.J. file numbers 2004-2563, 2004-2581 and 2004-2582. A copy of this preclearance is attached as Exhibit 654:28 H. This submission seeks preclearance of all subsequent changes.
- q) Not applicable as this is not a redistricting plan.
- r) Exhibit 654:28 I is a copy of a Press Release of this submission, its availability, and inviting comment to federal Department of Justice.

I expect the foregoing information is sufficient to enable the United States Attorney General to make the required determination pursuant to Section 5 of the Voting Rights Act. If further information is required or would be helpful, please contact me.

Very truly yours



Orville B. Fitch II  
Senior Assistant Attorney General  
Civil Bureau  
(603) 271-1238  
[bud.fitch@doj.nh.gov](mailto:bud.fitch@doj.nh.gov)



## CHAPTER 27

## HB 120 - FINAL VERSION

12mar03...0545h

2003 SESSION

03-0309

03/09

HOUSE BILL ***120***

AN ACT relative to sessions for the correction of the checklist and sessions for changes of party registration.

SPONSORS: Rep. Flanagan, Rock 78

COMMITTEE: Election Law

## AMENDED ANALYSIS

This bill shortens to ½ hour the minimum required length for sessions for the correction of the checklist and sessions for changes of party registration. This bill also deletes certain obsolete references.

-----  
Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

12mar03...0545h

03-0309

03/09

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Three*

AN ACT relative to sessions for the correction of the checklist and sessions for changes of party registration.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

27:1 Cities and Wards; Voters and Checklists; Reference Deleted. Amend RSA 44:5 to read as follows:

44:5 Voters and Checklists. Any person having his ***or her*** domicile within the city, qualified to vote as provided in RSA 654:1-654:2 and 654:4-654:6 and whose name is on the checklist shall be qualified to vote in city elections. The supervisors of the checklist shall prepare, post, and revise the checklist for city elections in the same manner as for a state election as provided in RSA 654:25-654:31 [~~except that the session provided for in RSA 654:27 to be held on the Tuesday 3 weeks prior to the election shall not be required~~].

27:2 Voters and Checklists; Session for Correction. Amend RSA 654:27 to read as follows:

654:27 Session for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed; provided that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and ~~[8:00]~~ 7:30 p.m. and at the discretion of the supervisors for extended hours. Notice of the day, hour, and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

27:3 Voters and Checklists; Procedure. Amend RSA 654:28 to read as follows:

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. The session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and ~~[12:00 p.m.]~~ 11:30 a.m. and at the discretion of the supervisors for additional hours. No additions or corrections shall be made after the Saturday session, except as provided in RSA 659:12 or RSA 654:27, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and ~~[8:00]~~ 7:30 p.m. and at the discretion of the supervisors for extended hours. The additions and corrections resulting from such session shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

27:4 Voters and Checklists; Hearings on Alterations to Party Registration. Amend RSA 654:32 to read as follows:

654:32 Hearings on Alterations to Party Registration. Before each state or presidential primary election, the supervisors of the checklist shall be in session before each primary for the change of registration of legal voters as provided in RSA 654:34 or 654:34-a or both. Before the presidential primary, the session shall be on the Friday preceding the first day of the filing period, between ~~[7]~~ 7:00 p.m. and ~~[9]~~ 7:30 p.m. **and at the discretion of the supervisors for extended hours.** Before the state primary election, the session shall be on Tuesday before the first Wednesday in June between ~~[7]~~ 7:00 p.m. and ~~[9]~~ 7:30 p.m. **and at the discretion of the supervisors for extended hours.**

27:5 Town Elections; Voters and Checklists. Amend RSA 669:5 to read as follows:

669:5 Voters and Checklists. An updated checklist shall be used at all town meetings and elections for the same purposes a checklist is used at a state election and to insure that only qualified voters participate in town meeting discussions and votes, by voice or otherwise. The supervisors shall prepare, post, and revise the checklist for a town meeting or election in the same manner as for a state election as provided in RSA 654:25-654:31, provided, however, that the session for correction shall be held on Saturday 6 to 13 days prior to the election. The supervisors shall also hold one session for correction of the checklist on the day immediately prior to the first day of the filing period for candidates for town office, as provided in RSA 669:19 or 669:42, as applicable, from ~~[7]~~ 7:00 p.m. to ~~[8]~~ 7:30 p.m. and at the discretion of the supervisors for extended hours.

27:6 School District Elections; Checklist. Amend RSA 671:15 to read as follows:

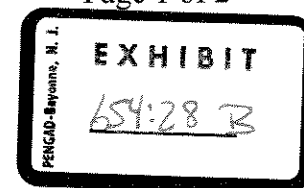
671:15 Checklist. An updated checklist shall be used at all school district elections and meetings for the same purposes as checklists are used by towns as provided in RSA 669:5. Any school district which is coextensive with the town in which it is located may, at an annual meeting under an article in the warrant for such meeting, vote to adopt as the checklist for school meetings the checklist of the town. In case of such adoption, the supervisors of the town checklist, acting as supervisors of the school district checklist, shall correct, certify, and post the checklist for the district as provided in RSA 654:25-654:31. ~~[The session for correction of the checklist required by RSA 654:27 to be held 3 weeks prior to an election shall not be required for school district elections.]~~ The session required to be held 10 days before the school district meeting or election may coincide with the session for correction held for the town meeting or election provided that the school meeting or election coincides with the town meeting or election. If the school meeting or election is held at a time other than the town meeting or election, a separate session for correction of the checklist shall be required to be held 10 days prior to the school district meeting or election.

27:7 Effective Date. This act shall take effect 60 days after its passage.

(Approved: May 2, 2003)

(Effective Date: July 1, 2003)





CHAPTER 272

HB 259 - FINAL VERSION

6/7/01...1464s

26june01...1713CofC

2001 SESSION

01-0361

03/09

HOUSE BILL **259**

AN ACT relative to holding sessions for correction of checklists.

SPONSORS: Rep. F. Davis, Merr 12; Rep. Horton, Coos 3; Rep. Daneault, Merr 12; Rep. Rush, Merr 12

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill changes the hours for evening sessions for correction of checklists from between 7:00 p.m. and 9:00 p.m. to between 7:00 p.m. and 8:00 p.m. and at the discretion of the supervisors for extended hours.

-----  
Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

6/7/01...1464s

26june01...1713CofC

01-0361

03/09

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand One*

AN ACT relative to holding sessions for correction of checklists.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

272:1 Voters and Checklists; Checklists: All State Elections; Sessions for Correction; Time. Amend RSA 654:27 to read as follows:

654:27 Session for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed; provided that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and ~~[9:00]~~ 8:00 p.m. **and at the discretion of the supervisors for extended hours.** Notice of the day, hour, and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

272:2 Voters and Checklists; Checklists: All State Elections; Procedure; Time. Amend RSA 654:28 to read as follows:

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. The session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and 12:00 p.m. and at the discretion of the supervisors for additional hours. No additions or corrections shall be made after the Saturday session, except as provided in RSA 659:12 or RSA 654:27, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and ~~[9:00]~~ 8:00 p.m. **and at the discretion of the supervisors for extended hours.** The additions and corrections resulting from such session shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

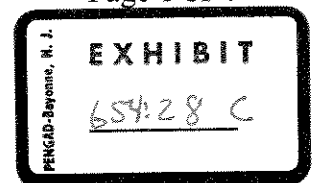
272:3 Town Elections; General Provisions; Voters and Checklists; Time for Sessions for Correction. Amend RSA 669:5 to read as follows:

669:5 Voters and Checklists. An updated checklist shall be used at all town meetings and elections for the same purposes a checklist is used at a state election and to insure that only qualified voters participate in town meeting discussions and votes, by voice or otherwise. The supervisors shall prepare, post, and revise the checklist for a town meeting or election in the same manner as for a state election as provided in RSA 654:25 - 654:31, provided, however, that the session for correction shall be held on Saturday 6 to 13 days prior to the election. The supervisors shall also hold one session for correction of the checklist on the day immediately prior to the first day of the filing period for candidates for town office, as provided in RSA 669:19 or 669:42, as applicable, from 7 p.m. to ~~[9]~~ 8 p.m. **and at the discretion of the supervisors for extended hours.**

272:4 Effective Date. This act shall take effect 60 days after its passage.

(Approved: July 16, 2001)

(Effective Date: September 14, 2001)



21feb96.....4872h  
04/04/96....5531L-EBA

HOUSE BILL - FINAL VERSION

1996 SESSION

3414L  
96-2574  
10/02

**HOUSE BILL 1161**

AN ACT relative to the information required on the state primary and state general election ballots, voter checklists of cities and towns, candidate and party nominations, nomination papers, and absentee ballots.

SPONSORS: Rep. McGovern, Rock 35; Rep. Flanagan, Rock 14

COMMITTEE: Constitutional and Statutory Revision

AMENDED ANALYSIS

This bill modifies the requirements for sessions for corrections of voter checklists and allows the nomination of parties to be placed on ballots. It also changes the period in which nomination papers shall be filed with the secretary of state and sets the number of names of legal voters required to nominate by nomination papers a political party.

-----  
EXPLANATION: Matter added to current law appears in **bold italics**.  
Matter removed from current law appears in [brackets].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

21feb96.....4872h  
04/04/96....5531L-EBA

CHAPTER 36  
HOUSE BILL - FINAL VERSION

3414L  
96-2574  
10/02

## HB 1161

## STATE OF NEW HAMPSHIRE

In the year of Our Lord  
One Thousand Nine Hundred and Ninety-Six

## AN ACT

relative to the information required on the state primary and state general election ballots, voter  
checklists of cities and towns, candidate and  
party nominations, nomination papers, and absentee ballots.

Be it Enacted by the Senate and House of  
Representatives in General Court convened:

36:1 Session for Correction of Checklist. Amend RSA 654:27 to read as follows:

654:27 [Sessions] **Session** for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town [on at least 2 occasions prior to any state election, the last of which shall be] on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed[,]; provided[, however,] that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 9:00 p.m. [The first session shall be upon the third Tuesday preceding the day of election and shall take place for 2 hours between 7:00 p.m. and 9:00 p.m. and shall be adjourned to such subsequent day or days at the same time as will permit all claims to be heard and decided. Notice of the day, hour and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session.] The reconvening of any session which has been adjourned shall not require the publication of notice.

36:2 Procedure. Amend RSA 654:28 to read as follows:

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. [Any] **The** session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and 12:00 p.m. and at the discretion of the supervisors for additional hours. No additions or corrections shall be made after the **Saturday** session [which is held on the Saturday 10 days prior to election day], except as provided in RSA 659:12 or RSA 654:27, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 9:00 p.m. The additions and corrections resulting from such [sessions] **session** shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

36:3 New Sections; Nomination of Party; Filing Names of Candidates. Amend RSA 655 by inserting after section 40 the following new sections:

655:40-a Nomination of Party. A political party may have its name placed on the ballot for the state general election by submitting the requisite number of nomination papers pursuant to RSA 655:42, III.

Such papers shall contain the name of the political party and shall be signed by such persons only as are qualified to vote at the state general election. No voter shall sign more than one nomination paper which allows a political party access to the state general election ballot.

655:40-b Filing Names of Candidates. The names of the candidates to be listed on the state general election ballot under the political party nominated by this section shall be submitted to the secretary of state no later than 5:00 p.m. on the Monday immediately following the primary. When the list of candidates is filed, it shall be accompanied by a declaration of candidacy signed by each of the candidates. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election.

36:4 Certification. Amend RSA 655:41 to read as follows:

655:41 Certification. Each nomination paper shall be submitted to the supervisors of the checklist of the town or ward in which the signer is domiciled or is registered, and a majority of the supervisors shall certify whether or not the signer is a legal voter in said town or ward. The supervisors of the checklist shall certify nomination papers under this section in a timely fashion, so that their certification shall be complete for each candidate, together with any objections to the nomination papers submitted, no later than 5:00 p.m. on the Wednesday [4] **2** weeks before the primary. Each nomination paper shall be submitted to the supervisors of the checklist no later than 5:00 p.m. on the Wednesday 5 weeks before the primary.

36:5 New Paragraph; Number. Amend RSA 655:42 by inserting after paragraph II the following new paragraph:

III. It shall require the names of legal voters equaling 3 percent of the total votes cast at the previous state general election to nominate by nomination papers a political party.

36:6 Filing Deadline. Amend RSA 655:43, I to read as follows:

I. Nomination papers shall be filed with the secretary of state no later than 5:00 p.m. on the Wednesday [3 weeks] **one week** before the primary. No nomination papers shall be accepted by the secretary of state unless the candidate shall have met the age and domicile qualifications for the office he seeks at the time of the general election and meets all the other qualifications at the time of filing; and, if a candidate for the office of governor, **executive** councilor, state senator, or state representative, unless he shall file with the nomination papers an affidavit of qualifications as provided in RSA 655:28 and 655:29; and if a candidate for United States senator or United States representative, unless he shall meet the qualifications for office under RSA 655:3 and 655:4.

36:7 Nomination. Amend RSA 655:81, XI to read as follows:

XI. The deadline for any candidate to request a recount pursuant to RSA 660:7 shall be [2] **3** days from the day of the primary.

36:8 Name and Domicile. Amend RSA 656:4 to read as follows:

656:4 Name **and Domicile**. Every state general election ballot shall contain the name of each candidate who has been nominated in accordance with the election laws, except as hereinafter provided, and shall contain no other name except party appellations. The names and addresses of the presidential electors shall not be printed on the ballot, but, in lieu thereof, the names of a party's candidates for president and vice-president shall be printed thereon under the designation for "President and Vice-President of the United States". [If a nomination has been made by nomination papers, the words "Nom. Papers" shall be added to the name of the political party.]

36:9 Sending Absentee Ballots. Amend RSA 657:15 to read as follows:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of

the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent, and shall identify those official absent voting ballots which have been returned to the clerk. Copies of said lists [shall be open to inspection and] **with names only** shall be posted at the polling places on the day of election as provided in RSA 658:27.

36:10 Candidate of One Party. Amend RSA 659:91-a, I to read as follows:

I. Any person who is a candidate on any party's state primary election ballot shall not run as the nominee of a different party in the state general election unless he is successful in securing the nomination of his own party in the primary. [Any person who runs as a candidate on any party's state primary election ballot and who is not chosen as the candidate for that party for the elective office for which he was a candidate shall not under any circumstances run as the nominee of a different party in the state general election.]

36:11 Voters and Checklists. Amend RSA 669:5 to read as follows:

669:5 Voters and Checklists. An updated checklist shall be used at all town meetings and elections for the same purposes a checklist is used at a state election and to insure that only qualified voters participate in town meeting discussions and votes, by voice or otherwise. The supervisors shall prepare, post and revise the checklist for a town meeting or election in the same manner as for a state election as provided in RSA 654:25-654:31[, except that the session for correction of the checklist 3 weeks prior to the day of the election as provided in RSA 654:27 shall not be required to be held before a town meeting or election]. The supervisors shall also hold one session for correction of the checklist on the day immediately prior to the first day of the filing period for candidates for town office, as provided in RSA 669:19 or 669:42, as applicable, from 7 p.m. to 9 p.m.

36:12 Repeal. RSA 659:68, relative to counting votes when a candidate is nominated by more than one party, is repealed.

36:13 Effective Date.

I. Sections 1, 2, and 7-13 of this act shall take effect 60 days after its passage.

II. Sections 3-6 of this act shall take effect January 1, 1997.

Approved: April 24, 1996

Effective: I. Sections 1, 2, and 7-13 shall take effect June 23, 1996.

II. Sections 3-6 shall take effect January 1, 1997.



22march89.....2230h

1/11/90-4325s

**1989 SESSION 1424B**

89-1040

10

**HOUSE BILL AMENDED BY THE SENATE**

HOUSE BILL NO. 562-FN

INTRODUCED BY: Rep. Flanagan of Rockingham Dist. 8; Rep. Holden of

Hillsborough Dist. 9

REFERRED TO: Constitutional and Statutory Revision

AN ACT making technical changes in the election laws.

---

**AMENDED ANALYSIS**

This bill amends the election laws relative to:

- I. The information on voter registration forms.
- II. The information used on checklists and checklist procedures.
- III. Posting and the availability of checklists.
- IV. The time for holding sessions to correct the checklist and the procedures used during those sessions.
- V. Certifying and verifying checklists.
- VI. Placing the name of substitute candidates on the ballot.
- VII. Records of absentee ballots.
- VIII. Posting general election warrants.
- IX. Appointing assistant election officials.
- X. Disqualifying election officials.

shall establish standard forms and procedures for the use of the supervisors for the maintenance of such information. The information to be maintained and updated shall include the full name, address and party affiliation, if any, of each voter on the checklist and such other information as the secretary requires. The supervisors shall use the information so maintained and updated to prepare the checklist for all state elections. Every checklist used at any state election shall contain as a minimum the full name, [mailing] address, **and mailing address if different**, and party affiliation, if any, of each voter on the checklist.

3 Posting Checklist. Amend RSA 654:26 to read as follows:

654:26 Posting Checklist. The supervisors shall make and post copies of the current checklist at [2 or more public places in town] **the office of the town or city clerk or at the town hall** not later than the fourth

Tuesday before the day of any state election.

4 Sessions for Correction. Amend RSA 654:27 to read as follows:

654:27 Sessions for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town on at least 2 occasions before any state election, the last of which shall be on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed, **provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 9:00 p.m.** The first session shall be upon the third Tuesday preceding the day of election and shall take place for [at least] 2 hours between [6:00] **7:00 p.m.** and 9:00 p.m. and shall be adjourned to such subsequent day or days at the same time as will permit all claims to be heard and decided. Notice of the day, hour and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

5 Procedure. Amend RSA 654:28 to read as follows:

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of

any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. Any session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and 12:00 p.m. and at the discretion of the supervisors for additional hours. No additions or corrections shall be made after [6:00 p.m. on] the session [day] which is held on the Saturday 10 days prior to election day, except as provided in RSA 659:12 **or RSA 654:27, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 9:00 p.m.** The additions and corrections resulting from such sessions shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.



EXHIBIT  
LS4:28 E  
PENGLAD-Appoints, M. J.

CHAPTER 426

1983]

appointed for a 5 year term by the commissioner. The public shall be appointed for a 5 year term. Any vacancy on the board shall be filled in the same manner for the unexpired term. Board members shall serve until their successors are appointed and qualified.

III. Advisory board members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties. Said expenses shall be a charge on the apple marketing account.

IV. The duties and responsibilities of the advisory board shall be as follows:

(a) To recommend to the commissioner any rules relating to the marketing order.

(b) To recommend to the commissioner any amendments to the marketing order which are deemed to be advisable by the board.

(c) To prepare and submit to the commissioner an estimated budget that may be required for the proper operation of the marketing order.

(d) To recommend to the commissioner methods of assessing members of the apple industry and methods for collecting the assessed funds.

(e) To assist the commissioner in the collection and processing of information and data necessary for the proper administration of a marketing order.

(f) To advise the commissioner on the fines to be imposed as penalties for any violation of a marketing agreement or marketing order.

(g) To perform such other duties in connection with the marketing order as the commissioner shall designate.

**341-A:21 Hearings.** The commissioner may call for hearings as required by this subdivision by giving interested parties 10 days' notice which states the time, place and purpose of the scheduled hearing.

**341-A:22 Rules.** The commissioner shall adopt under RSA 541-A such rules as are necessary to carry out the purposes of this subdivision.

**425:3 Application of Receipts.** Amend RSA 6:12, I by inserting after subparagraph (s) the following new subparagraph:

(t) Money received under RSA 341-A:18, which shall be credited to the apple marketing account.

**425:4 Consolidation of Provisions.** The director of legislative services is authorized to consolidate and integrate the changes in RSA 6:12 made in this act with the changes in RSA 6:12 made by all other acts of the 1983 session of the general court which become law. Such authority shall be subject to the approval of the president of the senate and the speaker of the house, shall not include the power to make any substantive change and shall expire upon printing of the 1983 session laws.

**425:5 Effective Date.** This act shall take effect 60 days after its passage.

[Approved June 24, 1983.]

[Effective Date August 23, 1983.]

CHAPTER 426 (HB 273)

AN ACT REQUIRING PRESIDENTIAL PRIMARY CHECKLISTS TO BE DEPOSITED AT THE STATE ARCHIVES AND WITH THE CLERK OF THE FEDERAL DISTRICT COURT AND MAKING CERTAIN OTHER CHANGES IN THE ELECTION LAWS.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

**426:1 Change in Date for Assumption of Office.** Amend RSA 653:10 (supp) as inserted by 1979, 436:1 by striking out in line 4 the word and number "January 1" and inserting in place thereof the following (the first Wednesday after the first Tuesday in January) so that said section as amended shall read as follows:

**653:10 Assumption of Office.** Federal officers-elect shall assume office on the date set by the U.S. Constitution. State officers-elect shall assume office on the date set by the New Hampshire Constitution. County officers-elect shall assume office on the first Wednesday after the first Tuesday in January of the year following the state general election at which they were elected.

**426:2 Change in Date for Corrections and Additions to Checklist.** Amend RSA 654:28 (supp) as inserted by 1979, 436:1 by striking out in line 11 the word "Wednesday" and inserting in place thereof the following (Friday) so that said section as amended shall read as follows:

**654:28 Procedure.** The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. No additions or corrections shall be made after 6:00 p.m. Saturday 10 days prior to election day, except as provided in RSA 659:12. The additions and corrections resulting from such sessions shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

**426:3 Clarification of Office.** Amend RSA 656:7 (supp) as inserted by 1979, 436:1 by inserting in line 4 after the word "congress," the following (executive) so that said section as amended shall read as follows:

**656:7 Order of Offices.** The order in which the officers to be voted for shall be placed in the party columns aforesaid shall be as follows: Electors of president and vice-president of the United States, governor, United States senator, representatives in congress, executive councilor, state senator, representative to the general court and county officers.

**426:4 Change in Number of Ballots.** Amend RSA 656:19 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**656:19 Number.** At each state general election, the secretary of state shall furnish each town or city a number of ballots at least equal to the number of registered voters in that town or city at the last state general election.

**426:5 Change in Number of Ballots.** Amend RSA 656:26 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**656:26 Number.** The secretary of state shall furnish to each town or ward clerk the state primary election ballots of each political party in a number at least equal to the number of voters of each respective party on the checklist as used at the last preceding state primary election.

**426:6**  
RSA 65  
number  
as amend

**656:28**  
primary  
town or v  
ballots to  
Each tow  
each of 2  
sample b  
as provid

**426:7 (**  
RSA 658  
inserting

**658:2** A  
political p  
state at th  
Septembe  
election to  
a polling p  
for such p  
or fraction  
may also a  
political p  
duct of the  
committee  
clerk conce  
appointme  
tion there  
made by t  
political p

**426:8 C**  
RSA 658:3  
inserting i

**658:3 Qu**  
at the polli

**426:9 Ir**  
RSA 659:7  
number "4"  
as amended

**659:7 In**  
than 8 hour  
day of the el  
said cities s

**426:10 F**  
Amend RS  
section and

ny person who is nomi-  
offices shall notify the  
mary of which nomina-  
all declare a vacancy to  
. The vacancy shall be  
cessary declarations of  
0 days from the date of

nend RSA 660:7 (supp)  
said section and insert-

is cast for any nomina-  
ay apply for a recount.  
ry of state and shall be  
a recount of all ballots  
a recount shall pay the  
ifference between the  
date who was declared  
der RSA 659:93 or who  
than one percent of the  
shall agree in writing  
e recount. In such case,  
y of state an amount of

g after section 12 the

ney general as part of  
ich he designates shall  
ks who have custody of  
e public facility which

ng after section 9 the

ls and archives shall  
enter. The division of  
and archives center in  
records management

ctions to Checklist.  
by striking out said

shall hear all applica-  
ubmitted thereon and  
at it contains only the  
on. The names of all  
it who shall clearly be  
ecklist at that session.  
o election day shall be  
12:00 p.m. and at the  
ditions or corrections  
held on the Saturday

10 days prior to election day, except as provided in RSA 659:12. The additions and corrections resulting from such sessions shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

**426:24 Conditional Provision.** If HB 426 of the 1983 regular session, "An Act amending certain checklist practices," becomes law, section 23 of this act shall take effect and section 2 of this act shall be null and void and of no effect. If HB 426 does not become law, section 23 of this act shall be null and void and of no effect.

**426:25 Effective Date.** This act shall take effect 60 days after its passage.  
[Approved June 24, 1983.]  
[Effective Date August 23, 1983.]

### CHAPTER 427 (HB 310)

#### AN ACT RELATIVE TO CONSTRUCTION OF THE CENTRAL NEW HAMPSHIRE TURNPIKE AND MAKING AN APPROPRIATION THEREFOR.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

**427:1 Authority.** Amend RSA 237:2 by inserting after paragraph III the following new paragraph:

IV. Make improvements to the central New Hampshire turnpike, including, but not limited to:

(a) Design and construction of a full interchange at exit 2 in Nashua, terminating on the east side of the turnpike with a 2 lane at grade crossing of the Daniel Webster highway;

(b) Construction of a new exit 7W in Nashua;

(c) Reconstruction of exit 8 in Merrimack to remove the current toll plaza providing toll collection equipment on the on and off ramps;

(d) Construction of the main line toll plaza in Bedford; and

(e) Continue design and engineering of the modernization of the central turnpike.

**427:2 Appropriation.** Amend RSA 237:7 as inserted by 1981, 87:1 by striking out said section and inserting in place thereof the following:

#### **237:7 Funds Provided.**

I. The following sums are appropriated for the purpose of carrying out the projects authorized by RSA 237:2:

	Projects	Amount
(a)	Improvements to the Blue Star memorial highway. RSA 237:2, I	\$41,000,000
(b)	Improvements and 2 lane extension of Spaulding turnpike. RSA 237:2, II	\$30,000,000
(c)	Improvements to central New Hampshire turnpike. RSA 237:2, III	\$28,500,000

[1983

1983]

## CHAPTER 273

PERCIBAD-BAYONE, N. J.

EXHIBIT

654:28 F

the manner provided in RSA 39:3. Such question shall be presented for voter approval in the following manner:

(a) A public hearing shall be held by the board of selectmen at least 15 but not more than 30 days before the date the question is to be voted. Notice of the hearing shall be posted in 2 public places in the town and published in a newspaper of general circulation at least 7 days prior to the hearing.

(b) For a town which has an official ballot for the election of town officers, the officer who prepares the ballot shall place the question on such official ballot as it appears in subparagraph (d).

(c) For a town which does not have an official ballot for the election of town officers, the clerk shall prepare a ballot in the form as provided in subparagraph (d).

(d) The wording on the ballot shall be as follows: "Shall we permit the public library to retain all money it receives from its income-generating equipment to be used for general repairs and upgrading and for the purchase of books, supplies and income-generating equipment?"

(e) Upon the ballot containing the question shall be printed the word "Yes" with a square near it at the right hand of the question; and immediately below the word "Yes" shall be printed the word "No" with a square near it at the right hand of the question. The voter desiring to vote upon the question shall make a cross in the square of his choice. If no cross is made in a square beside the question, the ballot shall not be counted on the question.

II. A city desiring to permit its library to retain money received from its income-generating equipment under RSA 202-A:11-a may have the question placed on the official ballot for any regular municipal election for the election of city officers upon a vote of the city council or upon submission of a petition signed by 5 percent of the registered voters of the city to the city council. Such question shall be presented to the voters in the following manner:

(a) A public hearing shall be held by the city council at least 15 but not more than 30 days before the date the question is to be voted. Notice of the hearing shall be posted in 2 public places in the city and published in a newspaper of general circulation at least 7 days prior to the hearing.

(b) The question shall be placed on the official ballot by the city clerk with the wording and in the form provided for in paragraph I(d).

III. Upon approval of the question by a majority of those voting on the question, the provisions of RSA 202-A:11-a shall be deemed to have been adopted.

IV. If after adoption of the provisions of RSA 202-A:11-a, any town or city desires to rescind its adoption, it may do so by referendum pursuant to paragraphs I or II by changing the wording in the question on the referendum.

**272:3 Effective Date.** This act shall take effect 60 days after its passage.

[Approved June 18, 1983.]

[Effective Date August 17, 1983.]

## CHAPTER 273 (HB 426)

### AN ACT AMENDING CERTAIN CHECKLIST PRACTICES.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

**273:1 Change in Time for Additions or Corrections to Checklist.** Amend RSA 654:28 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**654:28 Procedure.** The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. Any session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and 12:00 p.m. and at the discretion of the supervisor for additional hours. No additions or corrections shall be made after 6:00 p.m. on the session day which is held on the Saturday 10 days prior to election day, except as provided in RSA 659:12. The additions and corrections resulting from such sessions shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

**273:2 Change in Time for Hearings on Alterations to Party Registration.** Amend RSA 654:32 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

**654:32 Hearings on Alterations to Party Registration.** Before each state or presidential primary election, the supervisors of the checklist shall be in session before each primary for the change of registration of legal voters as provided in RSA 654:34 or 654:34-a or both. Before the presidential primary, the sessions shall be on 2 days, at least, and at such other times as they deem necessary, and shall not be closer in time to such primary than the day immediately prior to the first day for the filing of nomination petitions. Before the state primary election, the sessions shall be on 2 days, at least, and at such other times as they deem necessary, and the last one shall be on the Tuesday before the first Wednesday in June between 7 p.m. and 9 p.m.

**273:3 Effective Date.** This act shall take effect 60 days after its passage.

[Approved June 18, 1983.]

[Effective Date August 17, 1983.]

## CHAPTER 274 (HB 448)

### AN ACT RELATIVE TO THE HEALTH FACILITIES LICENSING LAWS.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

**274:1 Application for License.** Amend RSA 151:4 by inserting after paragraph IV the following new paragraph:

V. The division of public health services in the department of health and welfare shall not accept or process the license application of a facility operating under suspension or revocation of a license until any violation of this chapter or of rules adopted thereunder has been corrected and the facility has paid to the division a reinspection fee equal to the annual license fee established in RSA 151:5.

**654:28 Procedure.** The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. No additions or corrections shall be made after 6:00 p.m. Saturday 10 days prior to election day, except as provided in RSA 659:12. The additions and corrections resulting from such sessions shall be made to the previously posted checklist on or before midnight on the succeeding Wednesday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

#### **654:29 Certification of List.**

I. The supervisors shall subscribe and make oath to the following certificate on the back of the checklist, as corrected by them: We, the supervisors of the checklist of the town (or ward) of \_\_\_\_\_ do solemnly swear that, according to our best knowledge, the within list contains \_\_\_\_\_ (number) names of those persons only who are, by actual domicile, legal voters in said town (or ward).

II. They shall file a true copy of the corrected list, attested by them, with the town clerk. The checklists so corrected shall be used at the election. Any person who swears falsely in making such certificate shall be guilty of perjury.

**654:30 Correcting Data Files.** After each state election, the supervisors shall use the checklist from such election to correct the standard data files to conform to any changes which are evident from the checklist. The standard data file so maintained and corrected shall be a public record open to inspection at reasonable times and as otherwise required by law.

**654:31 Availability of Checklist.** The checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. After each state election, the supervisors shall furnish to any person requesting the same a copy of the checklist which was used in said election without the voting marks thereon and with or without party designations at the discretion of said supervisors. The supervisors may charge a reasonable fee for these copies for the use of the town or city.

### **Checklists: Additional Provisions for Primary Elections**

**654:32 Hearings on Alterations to Party Registration.** Before each state or presidential primary election, the supervisors of the checklist shall be in session for the change of party registration of legal voters. The sessions shall be on 2 days, at least, and at such other times as they deem necessary, and shall not be closer in time to the primary than the day immediately prior to the first day for the filing of a declaration of candidacy.

**654:33 Posting Copies; Notice of Sessions.** The supervisors shall post copies of the checklist, showing the persons in the town or ward entitled to vote, with their party registration, so far as such registration has been made, in 2 or more public places in such town or ward at least 10 days prior to such session; and notice of the date, hour and place of the sessions to revise such registration shall be given upon such checklists.

#### **654:34 Change of Registration.**

I. Change of registration of a voter whose party membership has been previously registered.

(a) Any legal voter whose party membership has been registered may change such registration by appearing in person before the supervisors of the checklist for his town or ward at any session provided for in RSA 654:32 and stating to them under oath or affirmation, that:

(1) He intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case he shall be registered as a member of such party; or

(2) He does not wish to be registered as a member of any party, in which case his party designation shall be removed from the checklist.

(b) He may also change such registration at any primary, upon making oath or affirmation to the same effect, but he shall not be permitted in such case to vote the ballot of any party at such primary.

II. Change of registration of a voter whose party membership has not been previously registered.

(a) Any legal voter who has not been registered as a member of any party may register as a member of the party of his choice by appearing before the supervisors of the checklist for his town or ward at any session provided for in RSA 654:27 and stating to them, under oath or affirmation, if required, that he intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case he shall be registered as a member of such party.

(b) He may also register as a member of a party at any primary by requesting and voting the ballot of the party of his choice and if challenged, he shall take an oath or affirmation to the effect that he intends to affiliate with and generally supports the candidates of that party.

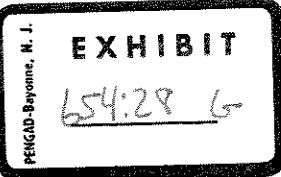
III. Notwithstanding any provision of paragraphs I and II to the contrary, no person who has voted in a primary may thereafter on the day of said primary change his party registration or change his registration so that he is registered as a member of no party.

**654:35 Corrected List.** After a pre-primary session, the supervisors shall prepare a corrected checklist showing the registration of party members as corrected by them; and such checklist with the corrections that shall have been made in the sessions provided for in RSA 654:27 through 654:32 shall be used at the primary.

### **Periodic Maintenance and Verification of Checklists**

**654:36 Reports of Transfer.** If the supervisors of the checklist have received a notice of transfer from another board of supervisors of the checklist in the state of New Hampshire that a voter whose name is on the checklist has been added to the checklist of some other town or city, they shall strike that name from the checklist at the next session for the correction of the checklist. They shall retain the notice as proof of their reasoning in striking the name from the checklist.

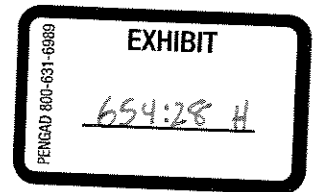
**654:37 Reports of Death.** Whenever there is filed in his or her notice of the death of any person or persons of the age of 18 years or over, the town or city clerk shall notify the supervisors of the checklist of such death by submitting a notice of same to the supervisors at their next regular session. Upon receipt of such notice, the supervisors shall examine the same. If the name of said deceased person appears thereon, it shall be struck from the next election. Any supervisor who shall neglect or refuse to do so shall be guilty of a violation. Any supervisor who shall neglect or refuse to do so shall be guilty of a violation. Any supervisor who shall neglect or refuse to do so shall be guilty of a violation. Any supervisor who shall neglect or refuse to do so shall be guilty of a violation.





U.S. Department of Justice

Civil Rights Division



JDR:RPL:SMC:jdh  
DJ 166-012-3  
2004-2563  
2004-2581  
2004-2582

*Voting Section - NWB  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530*

June 22, 2004

Orville B. Fitch II, Esq.  
Assistant Attorney General  
Civil Bureau  
Department of Justice  
33 Capitol Street  
Concord, New Hampshire 03301-6397

Dear Mr. Fitch:

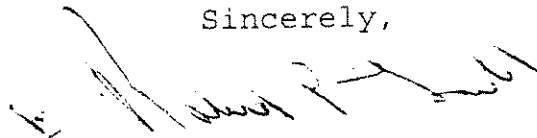
This refers to Session Law Chapter 436 (HB 575) (1979), which recodifies the election laws of the State of New Hampshire; Session Law Chapter 266 (HB 577) (2003), which implements the Help America Vote Act of 2002 (HAVA), 42 U.S.C. 15301-15545; and the adoption of formal administrative procedures for the resolution of election law complaints, including complaints filed under Title III of HAVA, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on June 7, 2004.

The Attorney General does not interpose any objection to the specified changes. Regarding Session Law Chapter 266, we note that the act specifically amends the following provisions of the State's election laws: RSA 655:19, II (Chapter 387 (1991)) (to provide for the deposit of certain candidate filing fees collected by the secretary of state into the election fund); RSA 655:19-c (Chapter 387 (1991)) (to provide for the deposit of any administrative assessments paid to the secretary of state into the election fund); RSA 664:3, I (Chapter 351 (1997)) (to provide for the deposit of political committee registration fees paid to the secretary of state into the election fund); RSA 664:21, II (Chapter 351 (1997)) (to provide for the deposit of any administrative fines for violations of the State's campaign finance laws into the election fund); and RSA 665:7 (Chapter 436 (1979)) (to authorize the Ballot Law Commission to hear and resolve complaints alleging violations of Title III of HAVA, as specified).

We note also that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Session Law Chapter 266 includes provisions that are enabling in nature. Therefore, the State is not relieved of its responsibility to seek Section 5 preclearance of any changes affecting voting proposed to be implemented pursuant to this legislation (e.g., creation of a centralized statewide voter registration database by the secretary of state and guidelines issued by the secretary of state implementing the database). See 28 C.F.R. 51.15.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joseph D. Rich", is written over a horizontal line.

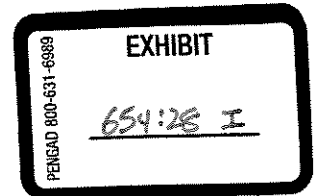
Joseph D. Rich  
Chief, Voting Section



**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE  
ATTORNEY GENERAL



MICHAEL A. DELANEY  
DEPUTY ATTORNEY GENERAL

News Release

RELEASED BY: Attorney General Kelly A. Ayotte

SUBJECT: Voting Rights Act – Submission of a request for preclearance of changes to New Hampshire Voting laws and procedures

DATE: June 10, 2005

RELEASE TIME: Immediate

Attorney General Kelly A. Ayotte announces the submission of requests for preclearance of changes made to the election laws in New Hampshire to the Federal Department of Justice. Preclearance submissions will address changes made to New Hampshire's election laws since jurisdictions in the State became subject to preclearance.

Ten New Hampshire towns are subject to section 5 of the federal Voting Rights Act. Changes to New Hampshire election laws that affect any of these ten towns must be submitted for review by either the Federal Department of Justice or the Federal District Court for Washington D.C. The federal Department of Justice will review the changes to New Hampshire's election laws to ensure that the changes do not have the effect of denying or abridging the right to vote on account of race or color, or membership in a language minority group. Changes to New Hampshire redistricting statutes have been submitted to, and approved by, the U.S. Justice Department since the 1980 census. Federal regulations require that the public be notified that the State has filed a request for preclearance and that the submission be available for public inspection.

Copies of each submission by the Attorney General for the State of New Hampshire are available at the office of the Attorney General at 33 Capitol Street, Concord New Hampshire, 03301. Each document will also be made available at the Attorney General's Office web site at:

<http://www.doj.nh.gov/elections/>

Attorney General Ayotte and the federal Department of Justice invite persons interested in this submission to submit comments and information, in writing or by telephone, to the Voting Section of the Federal Department of Justice, Civil Rights Division, at the earliest possible date to ensure that they may be considered during the preclearance review time period. Telephone 1-800-253-3931 or (202) 307-2385 or write Chief, Voting Section, Civil Rights Division, Room 7354 – NWB, Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC 20530. The envelope and first page should be marked "Comment under section 5." Additional information on the Voting Rights Act and the preclearance process can be obtained at the web site of the Federal Department of Justice at:

<http://www.usdoj.gov/crt/voting/index.htm>

The New Hampshire Attorney General's Office Voting section can be contacted at:

<http://www.doj.nh.gov/elections/>  
New Hampshire Toll Free 1-866-8868-3703  
or 1-866-VOTER03  
[electionlaw@doj.nh.gov](mailto:electionlaw@doj.nh.gov)